

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

Zakryscha Hayes

VS .

) No. 09-0239

Commonwealth Edison Company

Complaint as to  
billing/charges in Chicago,  
Illinois.

Chicago, Illinois

June 9, 2009

Met pursuant to notice at 11:30 a.m.

BEFORE :

Mr. Douglas E. Kimbrel, Administrative Law Judge

1 APPEARANCES:

2 MR. MARK L. GOLDSTEIN  
3 3019 Province Circle  
4 Mundelein, Illinois 60060  
(847) 949-1340  
5 appearing for ComEd;

6 MS. ZAKRYSCHA HAYES  
7 500 North Michigan Avenue  
8 Suite 430  
Chicago, Illinois 60611  
(312) 952-8806  
appearing pro se.

9 ALSO PRESENT:

10 Mr. John Parisi  
11 Ms. Carolyn Banks  
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21 SULLIVAN REPORTING COMPANY, by  
22 Julia C. White, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>	<u>By Examiner</u>
None					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None		

1           JUDGE KIMBREL: Pursuant to the authority of  
2     the Illinois Commerce Commission, I now call Docket  
3     09-0239. This is the matter of Zakryscha Hayes  
4     versus Commonwealth Edison Company. It's a complaint  
5     as to billing and charges in Chicago, Illinois.

6                     Would the parties please identify  
7     themselves for the record along with their address  
8     and telephone number, please.

9                     Ms. Hayes?

10            MS. ZAKRYSCHA HAYES: My name is Zakryscha  
11     Hayes. My address is 500 North Michigan Avenue,  
12     Suite 430, Chicago, Illinois 60611. The number in  
13     which I can be reached at is (312) 952-8806.

14            MR. GOLDSTEIN: On behalf of Commonwealth  
15     Edison Company, Mark L. Goldstein, 3019 Province  
16     Circle, Mundelein, Illinois 60060. My telephone  
17     number is (847) 949-1340. I have with me today  
18     Carolyn Banks and John Parisi of ComEd.

19            JUDGE KIMBREL: Okay. There was a brief  
20     discussion off the record. And to clarify matters,  
21     we will -- we are, therefore, on the record so we can  
22     kind of -- get this thing kind of figured out.

1                   So, Counsel, if you want to catch us  
2 up to the discussion off the record.

3           MR. GOLDSTEIN: As I understand it, Judge,  
4 almost the entire billing dispute here relates to  
5 service being provided at 6112 South Kimbark. ComEd  
6 shows that there are four accounts that were billed,  
7 which compromises most of the billing in question  
8 here.

9                   What we suggested to Ms. Hayes is that  
10 she provide the construction documents, the permits,  
11 the stop order from the City of Chicago with respect  
12 to the construction work being done at 6112 South  
13 Kimbark as well as the judicial sale documents  
14 because Ms. Hayes contends that the property was sold  
15 as a judicial sale, I believe, in 2004. If we are  
16 provided those documents, that would go a long way  
17 toward seeing what could be done with respect to this  
18 complaint.

19                   Ms. Hayes also said that she could  
20 provide those documents within ten days. That might  
21 be a little ambitious. She may want more time than  
22 that.

1           MS. ZAKRYSCHA HAYES: Your Honor, can I  
2 clarify?

3           JUDGE KIMBREL: Go ahead.

4           MS. ZAKRYSCHA HAYES: I am for certain I can  
5 provide the construction documents. I can provide  
6 the documents regarding the judicial sale, and I can  
7 provide the permits. I am not certain if I can  
8 provide the stop order. The stop order is a sign  
9 that they stick on the building. It is a -- it is a  
10 glued piece of sign that they stick on the building,  
11 and it just says Stop Order -- no construction is  
12 supposed to happen here. And so I am not certain  
13 that I can provide that because that is not a  
14 document that the City of Chicago leaves with you.  
15 It is something that they leave on the door of the  
16 premises.

17          JUDGE KIMBREL: It was issued from some office,  
18 though, most likely. So you might have to call down.

19          MS. ZAKRYSCHA HAYES: I do not mind doing that.  
20 However, it's not -- it's not something -- it's out  
21 of my control. It is in the City of Chicago's  
22 control. It is not something that I can -- it's not

1 something that I can promise, but I will go through  
2 all lengths to see if I can ascertain it.

3 JUDGE KIMBREL: I think that's in your best  
4 interest --

5 MS. ZAKRYSCHA HAYES: I will try.

6 JUDGE KIMBREL: -- if you can get all of the  
7 documentation you can regarding this matter.

8 MS. ZAKRYSCHA HAYES: I will try.

9 But I can get the judicial sale. The  
10 building was sold in 2004 or 2005. That should cover  
11 the rate portion of it. The construction documents  
12 could show another portion of it, and if ComEd could  
13 show -- how do you provide -- did ComEd ever come out  
14 to hook up service there? How do you put service in  
15 a building that does not have electricity?

16 Is there some documentation that they  
17 can provide to show that they came since -- because I  
18 don't understand how that happens. How do you  
19 provide service to someplace that doesn't have  
20 anything?

21 JUDGE KIMBREL: Well, Ms. Hayes, ten -- ten  
22 business days. Will that be enough?

1 MS. ZAKRYSCHA HAYES: It will be.

2 But can my question be answered in

3 regards to do they have documentation showing that

4 they provided service to the building or how service

5 was being provided to the building if there was no

6 electricity and there was no meters there?

7 MR. GOLDSTEIN: Well, we'll provide a witness

8 who will answer those questions.

9 MR. PARISI: If we can.

10 MR. GOLDSTEIN: If we can.

11 Keep in mind that a lot of this

12 relates back to four or five years ago or more.

13 MR. PARISI: Seven.

14 MR. GOLDSTEIN: Seven years.

15 MS. ZAKRYSCHA HAYES: I would just like to add

16 that I'm stuck with the same dilemma in regards to

17 trying to ascertain the information from the City.

18 JUDGE KIMBREL: So do you think June 23rd will

19 be enough time for you to get this documentation or

20 would you like more time, Ms. Hayes?

21 MS. ZAKRYSCHA HAYES: I'll take 20 days.

22 JUDGE KIMBREL: 20 days?



1 MS. ZAKRYSCHA HAYES: Uh-huh.

2 JUDGE KIMBREL: I'll make it 21, the 30th --

3 June 30th.

4 MS. ZAKRYSCHA HAYES: Thank you, your Honor.

5 JUDGE KIMBREL: Is there any documentation that

6 you will need from ComEd?

7 MS. ZAKRYSCHA HAYES: Other than the

8 documentation that I requested as to how service

9 could be provided to a building, who provided the

10 service and when they provided the service. I'd also

11 like documentation showing that I asked to ascertain

12 services from ComEd.

13 MR. GOLDSTEIN: Well, she's being held because

14 she's the owner of the property. We'll provide

15 whatever information we can --

16 JUDGE KIMBREL: Okay.

17 MR. GOLDSTEIN: -- in that respect.

18 MR. PARISI: Have you had any problems with

19 your identity being stolen in the last several years?

20 MS. ZAKRYSCHA HAYES: I have.

21 MR. PARISI: Do you have any documentation to

22 support that?

1           MS. ZAKRYSCHA HAYES: Other than, like, my  
2   credit reports, you know, where they put -- where I  
3   called in, and I may still have the police report.

4           MR. PARISI: That would be very important, if  
5   you could provide that to us.

6           MS. ZAKRYSCHA HAYES: Okay.

7           MR. PARISI: Your name was on the service based  
8   on a request from somebody. We don't know who. We  
9   assume it's you. They had all of your personal  
10  information. Since you have a vested interest in  
11  that property, we have to assume it's you.

12                   Okay. So anything you can give us, as  
13  the judge has said, to support your position would  
14  really help.

15           MS. ZAKRYSCHA HAYES: Okay.

16           JUDGE KIMBREL: So what do you think about  
17  another status? July 8th? Is that okay?

18           MR. GOLDSTEIN: At what time, Judge?

19           JUDGE KIMBREL: 11:30, 12:00?

20           MR. GOLDSTEIN: I have a status at  
21  11:00 o'clock that day. Do you want to do it at  
22  1:00 o'clock? Is that possible?

1 JUDGE KIMBREL: That's fine.

2 MR. PARISI: Can we do it before that?

3 MR. GOLDSTEIN: Do you want to do it at 10:00?

4 MR. PARISI: Yeah, 10:00 would be better.

5 MR. GOLDSTEIN: Oh, 10:00 o'clock would be even  
6 better.

7 JUDGE KIMBREL: 10:00 o'clock.

8 MR. GOLDSTEIN: Is that all right with you,  
9 Ms. Hayes?

10 MS. ZAKRYSCHA HAYES: That's fine.

11 JUDGE KIMBREL: That's a Wednesday, Ms. Hayes,  
12 at 10:00 o'clock. Is that fine?

13 MS. ZAKRYSCHA HAYES: Yes, it is.

14 JUDGE KIMBREL: Okay. If that day is no good,  
15 of course we can back it up. It's up to you.

16 MR. GOLDSTEIN: No, let's keep the date.

17 JUDGE KIMBREL: Okay. Well, Ms. Hayes and  
18 Counsel, do you have anything further to add?

19 MR. GOLDSTEIN: No, we don't, Judge.

20 JUDGE KIMBREL: Ms. Hayes, do you?

21 MS. ZAKRYSCHA HAYES: No, sir.

22 JUDGE KIMBREL: Okay. Well, Ms. Hayes and

1 Counsel, if you will provide each other, as best you  
2 can, with the documentation that was requested by  
3 June 30th, and our next status will be July 8th at  
4 10:00 a.m.

5 MR. GOLDSTEIN: Thank you, Judge.

6 JUDGE KIMBREL: Okay. Thank you.

7 MS. ZAKRYSCHA HAYES: So do I provide it to  
8 them personally, or do I bring it here on July 8th?

9 MR. GOLDSTEIN: No, provide it prior to the  
10 hearing.

11 MS. ZAKRYSCHA HAYES: Oh, okay.

12 MR. GOLDSTEIN: Provide it to --

13 MS. ZAKRYSCHA HAYES: Are you going to give me  
14 your card?

15 MR. GOLDSTEIN: -- Mr. Parisi.

16 MS. ZAKRYSCHA HAYES: Do you have a card?

17 MR. PARISI: I gave you a card.

18 MS. ZAKRYSCHA HAYES: Oh, this is it. Oh,  
19 okay.

20 JUDGE KIMBREL: Okay. Well, this matter is  
21 continued to July 8th at 10:00 o'clock.

22 MR. GOLDSTEIN: Thank you, Judge.

1           JUDGE KIMBREL:   Thank you.

2                               (Whereupon, the above-entitled

3                               matter was continued to July 8,

4                               2009, at 10:00 a.m.)

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